

Licensee and Registrant FREQUENTLY ASKED QUESTIONS

✓ **Why aren't I notified prior to inspections?**

It is the general policy of the Agency and a requirement of the State's agreement with the U.S. Nuclear Regulatory Commission to perform unannounced inspections. Unless this is not possible due to time and travel constraints or deemed more efficient use of resources to make advance accommodations, inspections will be unannounced.

✓ **Why can't I just call the inspector to come back to my facility to reinspect those items that were found to be out of compliance during the inspection?**

Once the inspector has completed the inspection of your facility, the information collected is submitted to the Austin Central office where the inspection findings are reviewed for completeness and accuracy before formal notification of compliance findings is sent. The Austin Central office has the official license files and Licensing, Registration and Standards staff are available for questions concerning the license provisions. Also, return visits to inspection sites are not possible because of limited travel funds and staff.

✓ **I called the Austin office and talked to someone who said that I didn't have to follow certain parts of the regulations even though those parts of the regulations are listed on my license. What should I do?**

You should always comply with provisions of the regulations listed on your license and your procedures unless specifically authorized or exempted, in writing, to do otherwise. The regulations are very specific when it comes to most requirements. You should have documentation to substantiate your claim.

✓ **What is a Radiation Protection Program?**

A Radiation Protection Program (RPP) is the document or program used to verify compliance with the applicable requirements of 25 TAC §289.202 (TRCR Part 21). Whether you create a separate RPP document or incorporate §289.202 (Part 21) requirement in your existing procedures is up to you.

✓ **What are the requirements of a Radiation Protection Program?**

You must show (document) that the applicable requirements of 25 TAC §289.202 (TRCR Part 21) have been audited (at least annually) and that you are in compliance. Those annual audits will be reviewed during Agency inspections.

✓ Do I have to have my Radiation Protection Program incorporated in my operating and emergency procedures?

No. This is unnecessary.

✓ I want to change one of the forms I use. Do I have to get the new form approved before I can use it?

As long as you do not change form content that is specifically required by the regulations or your operating and emergency procedures, no approval is necessary.

✓ I responded to the Agency Notice I received. Why didn't you get my letter?

If you do not receive a letter from the Agency acknowledging your response to the Notice of Violation, then there is most likely a problem. We either did not receive your letter, there are questions about your response, or we are following up with the Division of Licensing, Registration and Standards concerning a licensing issue.

✓ I gave the inspector my new mailing address. Why didn't you change the address on my license?

The only way the Agency can change your address is with a written request by you to the Division of Licensing, Registration and Standards. Make sure your request states whether the new address is just the mailing address or if it is a radioactive material storage location. Of course if the new address is a use location, you will need to submit your request along with site information and receive an amended license BEFORE you can store or use radioactive material at the new site.

✓ I do not agree with a violation I received. What should I do about it?

You have the right to dispute violations. Your response to the violation must include specific reasons and /or documentation pertaining to your dispute. You are afforded a 24-hour time period following an inspection to supply documents that were not available at the time of inspection. Remember that general disagreements with regulation content is not sufficient cause for a dispute. Regulations are revised periodically. Also, there are formal administrative hearing procedures for disputes and methods for submitting your comments about specific regulations. If you have a question regarding the interpretation of a regulation or license condition call us.

✓ Do I have to leak test my radioactive sealed sources even though they are in storage and I don't use them?

The regulations permit you to forego leak testing of radioactive sources if the sources are in storage and not being used. You must document that the sources are in storage. Remember that before you can transfer or use the source, you must have results of a leak test that was performed within the previous six months.

- ✓ **How do I find out if I have a copy of the most recent Regulations?**
Call the Standards Program or if you have access to the internet, you can check the TDH (www.tdh.state.tx.us/ech/rad/pages/brc.htm) or the Secretary of State (www.sos.state.tx.us) website.

- ✓ **Why was I cited for a violation even though I had already sent a request to change my license?**
In many cases, the timing of your request results in noncompliance. You cannot implement those requested changes until your amended license with the changes or new authorizations is issued. This would include requests for new users, new use sites or areas and a change in your Radiation Safety Officer.

- ✓ **What documentation should I include with my response to a Notice of Violation?**
Your response to a Notice of Violation need only include your statement that you currently have documentation of compliance. The documentation will be checked during the next inspection.

- ✓ **Why do I have to reference the amount of background radiation on my radiation surveys?**
Background radiation for all practical purposes is not zero. The background reading is your reference or baseline reading and should be included on your survey form.

- ✓ **What do I have to do if I want to quit using personnel monitoring?**
You must document that the radioactive material users will not receive more than 10 percent of the allowable annual occupational dose. This documentation should include enough parameters to substantiate your determination. Be careful to take into account work conditions such as present and future workloads along with your time and distance calculations. You should reevaluate your determination if any of the conditions change.

- ✓ **Why do I have to have a Radiation Safety Officer on my license?**
The Radiation Safety Officer qualifications and duties are outlined in 25 TAC §289.252 (TRCR 41.27). It is necessary to have one individual to manage and coordinate radiation safety functions and requirements.

- ✓ **Why am I held responsible for the irresponsible actions of my employees?**
Each licensed entity is responsible for the problems that arise from operations under their license. It is important that each licensee provide enough employee oversight to assure compliance with regulatory requirements.

✓ **Why am I required to have financial assurance?**

The regulations require that licensees provide documentation of financial assurance that guarantees the availability of funds for decommissioning of their facilities. The amount of financial assurance required is dependant on the form and amount of radioactive material authorized (not possessed) by their specific license.

✓ **Why am I required to keep transfer records for material I no longer have?**

Transfer records are your proof that you transferred sources of radiation to an authorized recipient. Should radioactive sources become lost or stolen, the transfer record will document your proper source disposition.

✓ **I received my license amendment and it didn't include the change I requested. What should I do?**

You should always read your new or amended license carefully to make sure you get what you requested or you should know why your amendment request was not granted. By carefully comparing your previous license amendment with your new amendment, you should be able to determine if you received what you requested. As always, call the Licensing, Registration and Standards Division if there is a question.

✓ **During my last inspection I was cited for a particular violation for the first time. I don't understand because I have always done things the same way and had never been cited for this item before. Why is this?**

The Agency makes every effort during the inspection process to look at all aspects of your licensed activities. Unfortunately, just because a violation was not identified previously does not invalidate the item as an item of noncompliance.

✓ **Why are there two different references for violations and on my license?**

During a transition period we will reference both the old TRCR and the new 25 TAC §289 in Compliance correspondence and on your license.

✓ **What is ALARA?**

As Low As Reasonably Achievable. This is a basic radiation protection philosophy.